

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Raheme Byrd,	Plaintiff(s))	INMATE
)	CIVIL RIGHTS
)	COMPLAINT PURSUANT
vs.)	PURSUANT TO
<u>R. Lamb</u> , Corr. Officer)	42 U.S.C. § 1983
<u>S. Warner</u> , same.)	
	Defendant(s))	Case No. 9: CV _____

Plaintiff(s) demand(s) a trial by: JURY ____ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Raheme Byrd
Address: Elmira Corr. Facility
PO Box 500,
Elmira, New York 14902-0500.

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: C.O LAMB
Official Position: Corr. Officer
Address: Great Meadow Corr. Facility
Box 51, Comstock, NY 12821-0051

b. Defendant: C.O. Warner
Official Position: Corr. Officer
Address: Great Meadow Corr. Facility,
Box, 51, Comstock, NY 12821-0051

c. Defendant: _____
Official Position: _____
Address: _____

Additional Defendants may be added on a separate sheet of paper.

4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

Yes No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?

Yes No

If your answer to 4b is YES,

(i) What steps did you take? I invoked GM #55469-13,
compliant at Great Meadow C.F. which was
filed 5/08/13

(ii) What was the final result of your grievance? Fuctions 4/02/14
CORC accepted in part.

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? _____

- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

Yes No

If your answer to 4c is YES,

- (i) What steps did you take? _____
-
-

- (ii) What was the final result regarding your complaint? _____
-
-

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? _____

5. PREVIOUS LAWSUITS

- a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

Yes No

- b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

- i. Parties to previous lawsuit:

Plaintiff(s): Raheme Byrd

Defendant(s): State of New York

Claim #no. 123243

ii. Court (if federal court, name District; if state court, name County):

Albany County

iii. Docket number: 123243

iv. Name of Judge to whom case was assigned: Richard E. Sise

v. Disposition (dismissed? on appeal? currently pending?): Pending

vi. Approximate date of filing prior lawsuit: _____

vii. Approximate date of disposition: _____

6.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

Taking action. Herein the issue arises of assault, which accrued at the clime and place of Great Meadow Corr.

Facility. On May 01, 2013 Suject had a clash with another inmate., in which Housing Officers " Used Excessive Force ! " While the inmates were fighting, Officers gave a direct order to break up the fight. Subject compl ied. He was then ordered to put his hands on the wall.

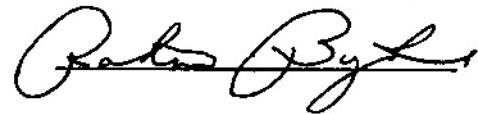
Suject likewise complied. He was then ordered to get the floor,Subject then again complied. Then the officers giving these orders "R. Lamb", sat on the middle of his buttocks and lower back area and engaged in the follow ing unethical behavior. "R. Lamb" engaged in putting his

hands around Subjects neck deprivingly in an illegal hold known as "The Camel Clutch", Choking Subject pulling his head back. At least 30 officers did stand present and witnessed the miscon conduct of this officer, but he continued to intentionally choke Subject. In about 15 seconds in this colorful hold in whi ch he could breath, Subject started slapping his right hand several times on the floor in a cursing and swearing manner, st ating he could not breath. "Lamb" then engaged in pulling his head up further, continuing the Subject assault. Subject then ag ain slapped his right hand several times on the floor but it was of no avail.

In addittion, not being able to see behind him an unknown Officer engaged in stepping on and off Subjects right ankle. Each step, he screamed in agony. "Lamb" then let go of Subjects neck and engaged in yelling at him;"Get up, and step to the wall. Subject complied. He then placed him in handcuffs. "Lamb" then engaged in forcing up and down and twisting his left hand while already in constraints. "Lamb" then punched Subject from behind hir right eye and head twice, then leaned towards Subjects right ear stating:"thats what you get for assaulting an Officer!" Then punched him on the left side of his head once. "Waner" then began hitting Subject with his night stick. "Lamb" then grabbed him up in his hooded sweater to engage in choking ing him. "Lamb" then leaned towards Subjects right ear, before being escorted to medical care saying:"now you know that you just got fucked up by a bunch of rookies!" Nurse noted injuries,bru

ised scarred left wrist, right eye, and left shoulder. This Departmental Behavioral misconduct has left pemenant scar ing on left wrist, and now Subject has impaired right eye vis ion i.e "floaters" and his seeing eye lens cracked. As a re sult he now has blurry vision, and cant pick up moving objects well, objects seem to move faster than normal. As a result of these officers conduct deviance, claimant now suffers Physical and mental pain and anguish at which he is liably injured and impacted for life.

Virtual Respect,

A handwritten signature in black ink, appearing to read "Robert Byrd".

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

CONSTITUTIONAL VIOLATION 8TH AMENDMENT

RIGHT TO BE FREE FROM " USE OF EXCESSIVE FORCE ".

SECOND CAUSE OF ACTION

THIRD CAUSE OF ACTION

8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

\$75,000 Punitive Damages,

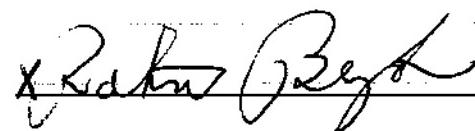
\$75,000 Compensatory Damages,

Injunctive Releif, and Medical Outside Care to Repair

Recognized Altered Vision " Floaters "!

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 3-22-16



Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010

Sworn To Before Me

This 22 Day of

March 2016


NOTARY

STEVEN D LEE

NOTARY PUBLIC, STATE OF NEW YORK
CHEMUNG COUNTY, LIC. # 01LE6231045
COMMISSION EXPIRES NOV. 15, 2019

UNITED STATES DISTRICT COURT

NORTHERN

District of

NEW YORK

Raheme Byrd,

v.

SUMMONS IN A CIVIL ACTION

R.LAMB, Corr. Officer,

CASE NUMBER:

S.WARNER, Corr. Officer

Individual And Official Capacitys

TO: (Name and address of Defendant)

R.LAMB : Corr. Officer

Great Meadow Corr. Facility,

Comstock, Box 51, 12821-0051.

YOU ARE HEREBY SUMMONED and required to serve on Plaintiff's ATTORNEY (name and address) ^{Pro. se.}

Raheme Byrd,
Elmira Corr. Facility,
P.O. Box 500,
Elmira, New York 14902-0051.

an answer to the complaint which is served on you with this summons, within 60 days days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Clerk of Court

Date

Deputy Clerk

UNITED STATES DISTRICT COURT

District of

NORTHERN

Raheme Byrd,

NEW YORK

SUMMONS IN A CIVIL ACTION

v.

S.WARNER, Corr. Officer
R.LAMB, Corr. Officer,

CASE NUMBER:

Individual And Official Capacitys

TO: (Name and address of Defendant)

S.WARNER: Corr. Officer
Great Meadow Corr. Facility,
Box 51, Ny 12821-0051.

YOU ARE HEREBY SUMMONED and required to serve on ~~PLAINTIFF'S ATTORNEY~~ (name and address)

Raheme Byrd,
Elmira Corr. Facility,
P.O. Box 500,
Elmira, New York 14902-0500

an answer to the complaint which is served on you with this summons, within 60 days days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Clerk of Court

Date

Deputy Clerk

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Raheme Byrd, pro-se	DEFENDANTS R.LAMB.Corr Officer S.WARNER,Corr. Officer
(b) County of Residence of First Listed Plaintiff <u>Chemung</u> (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant <u>Alden/Erie</u> (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorney's (Firm Name, Address, and Telephone Number) pro-se	NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)		
Citizen of This State	PFT DEF	PFT DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State
Citizen of Another State	PFT DEF	PFT DEF
<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State
Citizen or Subject of a Foreign Country	PFT DEF	PFT DEF
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT		TORTS	PROPERTY/PERSONAL PROPERTY	BABY & EGG	OTHER SUBJECTS
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Requirements
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employees' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment A Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck		<input type="checkbox"/> 460 Expenses
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.		<input type="checkbox"/> 470 Kickbacks Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Ex. Veterans)	<input type="checkbox"/> 350 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayments of Veterans' Benefits Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage - Product Liability	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 154 All Other Contract	<input type="checkbox"/> 360 Other Personal Injury				<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 155 Contract Product Liability					<input type="checkbox"/> 520 Securities/Commodities Exchange
<input type="checkbox"/> 156 Franchise					<input type="checkbox"/> 530 Customer Challenges 13 USC 1410
REAL PROPERTY		CRIMINAL	PRISONER RELATIONS	INDIVIDUAL SECURITY	<input type="checkbox"/> 540 Other Summary Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 411 Young	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 610 FLSA (1996)	<input type="checkbox"/> 550 RSI (1985(j))	<input type="checkbox"/> 551 Agricultural Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 412 Employment	<input type="checkbox"/> 515 habeas Corpus	<input type="checkbox"/> 620 Black Lung (723)	<input type="checkbox"/> 560 Economic Stabilization Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 413 Housing/ Accommodations	<input type="checkbox"/> 520 General	<input type="checkbox"/> 625 EWCA/DWVW/405(g))	<input type="checkbox"/> 570 Environmental Matters	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 414 Welfare	<input type="checkbox"/> 525 Death Penalty	<input type="checkbox"/> 630 SSID Title XVI	<input type="checkbox"/> 580 Energy Allocation Act	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 415 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 635 RSI (405(j))	<input type="checkbox"/> 590 Freedom of Information Act	
<input type="checkbox"/> 250 All Other Real Property	<input type="checkbox"/> 416 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 600 Appeal of Fed Defendants Under Equal Access to Justice	
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Conditions		<input type="checkbox"/> 650 Constitutionality of State Statute	
V. ORIGIN		FEDERAL JURISDICTION			
<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation
Appeal to District Judge from Magistrate Judgment					
VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are suing. Do not cite jurisdictional statutes unless diversity.			
		CRUEL/UNUSUAL PUNISHMENT / 42 U.S.C Section 1983			
		Brief description of cause:			
		Assault/Excessive Force By Officers			
		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMANDS	CHECK YES only if demanded in complaint	
			\$175,000	JURY DEMAND:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
VII. REQUESTED IN COMPLAINT:					
VIII. RELATED CASE(S) IF ANY		(See instructions).			
DATE		JUDGE	Richard E. Sise	DOCKET NUMBER 123243	
SIGNATURE OF ATTORNEY OF RECORD					
FOR OFFICE USE ONLY					
RECEIPT #		AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE

(6)